

EI-2422

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Richard Willinger  
22 Carlyle Court  
Robbinsville, NJ 08691

July 14, 2006

Catherine Glidden  
Case Control Unit  
Surface Transportation Board  
Washington, D.C. 20423

Re: Docket No. AB-167 (Sub. No. 1185X)

Dear Ms. Glidden:

Thank you for sending me a copy of the Environmental Assessment (EA) about Consolidated Rail Corporation's (Conrail) Notice of Exemption to abandon approximately 5.7 miles of rail line known as the Robbinsville Industrial Track between milepost 32.20 in Hamilton Township and milepost 37.90 in Washington Township in Mercer County, New Jersey. Enclosed please find comments on statements made in the EA and proposed public use conditions.

According to the EA, Conrail's environmental report concludes that the quality of the human environment will not be significantly affected by the abandonment or post-abandonment activities, which includes disposition of the right-of-way. I disagree with their conclusion. The quality of the human environment will be significantly degraded by the abandonment of the rail corridor because it will result in the destruction of a national historic resource. Please see my letter dated June 29, 2006, which was received by the Surface Transportation Board (STB) on July 7, 2006, for a discussion of the historic value of this rail line. I hereby incorporate the information in that letter into these comments on the EA.

The EA says that the rail line is situated in a flat urban industrial area. This is not accurate. For the first 150 years of the rail line it was a rural area, and over the past 25 years the area has turned suburban.

I support Conrail's suggestion that the rail line may be suitable for some kind of public use such as mass transportation, conservation or energy transmission. In order to preserve the possibility of future mass transportation, the rail line should be railbanked in case the State of New Jersey decides to build a light-rail line on the northern 31-mile segment of the Camden and Amboy Railroad rail line like they did on the southern 30-mile segment. The rail line is also suitable for rails-to-trails and for a linear state park such as the Delaware and Raritan Canal State Park.

I also support the C&A Trail Conservancy's offer to acquire the rail line for recreational trail use. My understanding is that they are interested in the entire 5.7 miles of rail line rather than just a portion of it.

I totally disagree with Washington Township's claim that the section of rail line that closely parallels Route 130 would not be suitable for trails. Most bike riders have to ride on the shoulder of a roadway. If there was a path adjacent to the roadway that was dedicated to trail and bicycle use, I am sure cyclists would use it because it would be safer than riding on the roadway, it would take them to their destination in the shortest possible time because it paralleled the roadway, and it enables them to stop at businesses along the roadway for food and drink and other purchases.

Washington Township wants to redevelop the rail line that is to be abandoned which will include re-grading the area. It would be inappropriate to redevelop and re-grade even part of the rail line because it would destroy the historic value of the rail corridor, would prevent future use of the corridor for rail transportation, and would prevent use of the corridor for a linear park and bikeway.

If the STB makes the decision to grant abandonment authority, I strongly support the condition recommended by the EA that,

"Consolidated Rail Corporation shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places ... until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. ... Consolidated Rail Corporation may not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed this condition."

It is important for the word "sites" in the above paragraph to be clearly defined as including all the land in the entire 5.7 mile rail corridor right-of-way and not be limited to a structure or former structure in a specific section of the right-of-way, because it is the corridor itself, not a particular building, that has the greatest historic value.

I must respectfully disagree with the conclusion of the SEA that the abandonment of the rail line will not significantly affect the quality of the human environment. Historic sites, historic districts, historic monuments and other historic places contribute positively to the quality of the human environment. The quality of the human environment is not limited to air pollution or water pollution or hazardous waste. It also includes literature and monumental buildings and historic events. Independence Hall in Philadelphia is not just an old building, but is where our country was founded. Destroying any part of our history destroys the quality of the human environment. The destruction of such a national historic resource as the Camden and Amboy Railroad rail line will significantly adversely affect the quality of the human environment. My letter

of June 29, 2006, describes the historic value of this rail line. Therefore, I believe an environmental impact statement is necessary.

I support the alternatives to the proposed abandonment mentioned by the EA, which includes denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. All three would enable future use of the right-of-way for rail use and would preserve the historic rail corridor.

If the STB approves abandonment, it should set public use conditions on this section of rail line because it is suitable for other public use. The criteria to justify a public use condition as specified in 49 CFR 1152.28(a)(2) have been met, as follows:

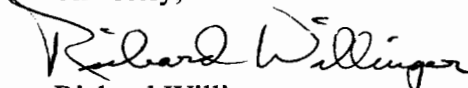
1. Conditions sought –
  - a. Require completion of the Section 106 process of the National Historic Preservation Act.
  - b. Require Conrail to retain its interest in and take no steps to alter the historic integrity of all sites (including all the land which comprises the right-of-way), buildings, and structures within the project right-of-way and the Camden and Amboy National Historic District, that are eligible for listing in the National Register of Historic Places.
  - c. Require Conrail to negotiate with New Jersey Transit, NJ Department of Transportation and other interested rail organizations to preserve the rail line for current or future rail use (railbanking).
  - d. Require Conrail to negotiate with the New Jersey Department of Environmental Protection and the County of Mercer for preservation of the rail line corridor as a state or county park.
  - e. Require Conrail to negotiate with interested organizations such as the C&A Trail Conservancy to preserve the rail line corridor for hiking and biking (rails-to-trails).
  - f. Other recommended conditions are set forth in my June 29, 2006, letter to the STB.
2. Public importance of the conditions – The 5.7 miles of the Robbinsville Industrial Track is part of a 61-mile national historic resource which is eligible for listing in the National Register of Historic Places. The Camden and Amboy Railroad's history dates back to the earliest years of this nation (1830) and it was instrumental in the development of transportation and commerce in the country. The historic value of this rail line is set forth in detail in my letter to the STB dated June 29, 2006, which I hereby incorporate by reference. Because of its historic value, it is important not to destroy the rail corridor. Therefore, it is important that Conrail either maintains the rail corridor or conveys it to an agency or organization that will maintain the rail corridor and not destroy any part of its historic value.
3. Period of time for which the conditions would be effective – For condition 1(a) above, one year. For condition 1(b) above, indefinite. For conditions

1(c), (d) and (d) above, five years. For conditions included in 1(f) above that have not been covered elsewhere, indefinite.

4. Justification for the imposition of the time periods requested – For condition 1(a), one year is a reasonable amount of time to allow for budgeting resources for the study, conducting the study, and preparing the report. For condition 1(b), once the resource is lost it can never be regained. Many years passed before the southern section, about 30 miles, of the Camden and Amboy Railroad Historic District was restored as a rail line. Especially with the amount of new development in the area, the rail corridor needs to be railbanked for possible future use. The tremendous and unique historic value of the Camden and Amboy Railroad Historic District requires that it be preserved as a historic district in perpetuity. It has survived for 175 years and it would be a national tragedy to destroy it for the parochial interest of increasing ratables in one community out of the 31 communities that the rail line passes through. For conditions 1(c), (d) and (e), it takes a long period of time to negotiate with a public agency. They must receive approvals at different levels of government, must appropriate the money, may need to change existing plans, and may need to hold public hearings and post public notices. A similar situation exists for a private, non-profit organization. They may need to obtain specific insurance policies, may need to draw up an agreement or have an attorney review a Conrail agreement, need to decide policy among their Board of Directors, and may need to apply for grants. For condition 1(f), the same reasons apply as for 1(b).

Thank you for the opportunity to submit these comments on the Environmental Assessment and on proposed public use conditions. If I have missed the filing deadline for requesting public use conditions, I apologize and would ask the Board to grant an exception to the deadline and consider the views expressed in my letter, or to consider this letter as an addendum to my initial letter of June 29, 2006, which was submitted within the deadline.

Sincerely,



Richard Willinger

Enclosed are 2 copies

c: John K. Enright, Associate General Counsel, Consolidated Rail Corporation  
and others